

# **Notice of Ofcom's changes to licence exemption legislation for Wireless Telegraphy Devices**

Amendments to The Wireless Telegraphy (Exemption) Regulations 2021

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**CONSULTATION:**

Publication Date: 13 July 2021

Closing Date for Responses: 12 August 2021

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# 1. Overview

Ofcom is responsible for authorising use of the radio spectrum. Spectrum provides the radio waves that support wireless services used every day, including Wi-Fi. We permit the use of the radio spectrum by granting wireless telegraphy licences under the Wireless Telegraphy Act 2006 or by making statutory regulations exempting users of particular equipment from the requirement to hold such a licence.

## What we are proposing – in brief

We are consulting on draft regulations (the Wireless Telegraphy (Exemption) (Amendment) Regulations 2021 (the “Proposed Regulations”). The Wireless Telegraphy (Exemption) Regulations 2021<sup>1</sup> (the “Principal Regulations”) which we consulted on in December 2020<sup>2</sup> (the “December Consultation”) allowed for more spectrum to be used on a licence exempt basis by a number of short-range device (“SRD”) applications such as Wi-Fi, smart meters and Internet of Things. The Principal Regulations also implemented our policy decision on extending WiFi to the 6 GHz band as well as changes to align technical conditions for some devices with the European Commission Decision on SRDs.

The Proposed Regulations correct typographical errors and amend references to the Interface Requirement documents in the Principal Regulations. We are not proposing any substantive changes to the Principal Regulations.

**This overview is a simplified summary only. The proposals we are consulting on and our reasoning are set out in the full document.**

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<sup>1</sup> [The Wireless Telegraphy \(Exemption\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>2</sup> [Consultation: Notice of Ofcom's changes to licence exemption for Wireless Telegraphy Devices and consultation on licensing equipment in 57 to 71 GHz](#), 7 December 2020

## 2. Background

- 2.1 In April 2021 we published our statement “Decision on changes to the licence exemption for wireless telegraphy devices and on licensing equipment in 57 to 71 GHz”<sup>3</sup> following the December Consultation. On 20 April 2021 we signed the Principal Regulations which came into force on 12 May 2021. We decided to make the Principal Regulations following consideration of eight responses to the December Consultation. The Principal Regulations revoked and replaced the previous exemption regulations.
- 2.2 The Principal Regulations refer to Interface Requirement documents which set out the technical conditions for the use various radio equipment.
- 2.3 Following the making of the Principal Regulations we noted discrepancies between the description of the Interface Requirement documents in the Principal Regulations and how they are referred to on our website. The reason for this was that the online publications of the Interface Requirement documents had been amended and given new dates, in recent years, to reflect changes to EU legislation.
- 2.4 The Joint Committee on Statutory Instruments (“JCSI”) also noted these discrepancies and asked us to make changes to the Principal Regulations. The JCSI subsequently published their Fifth Report of Session 2021-22 noting, in relation to the Principal Regulations, that the publication dates of the Interface Requirement documents (IR 2078, IR 2066 and IR 2093) as set out on Ofcom’s website were different to the description of those dates in Principal Regulations<sup>4</sup>. We committed to making an amending statutory instrument to correct the typographical errors and the references to the Interface Requirement documents.
- 2.5 We also republished Interface Requirements documents IR 2027.2, IR 2066, IR 2078, IR 2084 and IR 2093 with updated publication dates in June 2021 and these can be found on Ofcom’s website<sup>5</sup>.

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<sup>3</sup> [Statement: Decision on changes to licence exemption for Wireless Telegraphy Devices and on licensing equipment in 57 to 71 GHz \(ofcom.org.uk\)](#), 29 April 2021

<sup>4</sup> Joint Committee on Statutory Instruments [Fifth Report of Session 2021-22 \(parliament.uk\)](#)

<sup>5</sup> <https://www.ofcom.org.uk/spectrum/information>

## 3. Notice and proposed changes

### Notice of Proposals

- 3.1 To give effect to the amendments to the Principal Regulations, we are proposing to make the Proposed Regulations, in accordance with section 122(4) and (5) of the Wireless Telegraphy Act 2006. A copy of the Proposed Regulations can be found at Annex 5.
- 3.2 We published our Notice for making the Principal Regulations<sup>6</sup> in the December Consultation<sup>7</sup>.

### Our proposed changes

- 3.3 We are proposing to make the Proposed Regulations which amend references to the Interface Requirement documents in the Principal Regulations. We propose making the following changes to the specified regulations in the Principal Regulations:

#### Proposed changes to the Principal Regulations

Provision	Replace the words:	with the words:
<b>Regulation 4</b>	"in April 2021 is exempt"	"in June 2021, are exempt"
<b>Regulation 5</b>	"“IR 2078 – UK Interface Requirement 2078, Fixed Wireless Systems in the frequency band 57.1 to 70.875 GHz”, published by OFCOM in November 2018, is exempt"	"“IR 2078 – UK Interface Requirement 2078, Fixed Wireless Systems in the frequency band 57.1 to 70.875 GHz”, published by OFCOM in June 2021, are exempt"
<b>Regulation 6</b>	"“IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems”, published by OFCOM in January 2018, is exempt"	"“IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in June 2021, are exempt"
<b>Regulation 7</b>	"“IR 2084 – UK Interface Requirement 2084 Cospas-Sarsat locator beacons for use on land (December 2011)”, published by OFCOM in December 2011"	"“IR 2084 – UK Interface Requirement 2084 Cospas-Sarsat locator beacons for use on land”, published by OFCOM in June 2021"
<b>Regulation 8</b>	"“IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile	"“IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile

<sup>6</sup> [The Wireless Telegraphy \(Exemption\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>7</sup> [Consultation: Notice of Ofcom's changes to licence exemption for Wireless Telegraphy Devices and consultation on licensing equipment in 57 to 71 GHz](#), 7 December 2020

	Platforms (ESOMPs)", published by OFCOM in February 2014"	Platforms", published by OFCOM in June 2021"
<b>Regulation 9</b>	"which forms part of the publication "IR 2027.2 – UK Radio Interface Requirement 2027.2 for AM/SSB and DSB use in the Citizens' Band Radio Service", published by OFCOM in June 2014"	"which form part of the publication "IR 2027.2 – UK Radio Interface Requirement 2027.2 for AM/SSB and DSB use in the Citizens' Band Radio Service", published by OFCOM in June 2021"

# A1. Responding to this consultation

## How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 12 August 2021.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/changes-to-licence-exemption-legislation-wireless-telegraphy>. You can return this by email to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [paul.chapman@ofcom.org.uk](mailto:paul.chapman@ofcom.org.uk), as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
  - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 We also welcome joint responses.
- A1.8 It would be helpful if your response could include a direct answer to the question asked in the consultation document. The question is set out at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Paul Chapman.

## Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.

- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

## Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in August 2021.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

## Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)



## A2. Ofcom's consultation principles

### Ofcom has seven principles that it follows for every public written consultation:

#### Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

#### During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

#### After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

## A3. Consultation coversheet

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? \_\_\_\_\_

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## A4. Consultation question

- A4.1 Please refer to our proposals set out in the document above covering the Proposed Regulations and to the Draft Regulations at Annex 5.

Question 1: As described above the Proposed Regulations do not make changes of substance, they are intended to correct an error in referencing our published documents and precisely identify the Interface Requirement documents which are published on our website.

**Do you have any comments on the Proposed Regulations?**

## A5. Draft Regulations

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STATUTORY INSTRUMENTS

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**2021 No.**

### **ELECTRONIC COMMUNICATIONS**

#### **The Wireless Telegraphy (Exemption) (Amendment) Regulations 2021**

*Made* - - - - - \*\*\*\*

*Coming into force* - - - - - \*\*\*\*

The Office of Communications (“OFCOM”), makes the following Regulations in exercise of the powers conferred by sections 8(3) and 122(7) of the Wireless Telegraphy Act 2006<sup>(8)</sup> (“the Act”).

Before making these Regulations, OFCOM has given notice of their proposal to do so in accordance with section 122(4)(a) of the Act, published notice of their proposal in accordance with section 122(4)(b) of the Act, and have considered representations made to them before the time specified in the notice in accordance with section 122(4)(c) of the Act.

#### **Citation and Commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Exemption) (Amendment) Regulations 2021 and shall come into force on XXXX 2021.

#### **Interpretation**

2. In these Regulations “the Principal Regulations” means the Wireless Telegraphy (Exemption) Regulations 2021<sup>(9)</sup>.

#### **Amendment of the Wireless Telegraphy (Exemption) Regulations 2021**

3.—(1) The Principal Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) At Regulation 4 for the words “in April 2021 is exempt” substitute “in June 2021, are exempt”.

(3) At Regulation 5 for the words ““IR 2078 – UK Interface Requirement 2078, Fixed Wireless Systems in the frequency band 57.1 to 70.875 GHz”, published by OFCOM in November 2018, is exempt” substitute ““IR 2078 – UK Interface Requirement 2078, Fixed Wireless Systems in the frequency band 57.1 to 70.875 GHz”, published by OFCOM in June 2021, are exempt”.

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<sup>(8)</sup> 2006 c. 36. Section 8(3) and section 122(7) were extended to the Bailiwick of Guernsey by Article 2 of the Wireless Telegraphy (Guernsey) Order 2006 (S.I. 2006/3324); and to the Isle of Man by Article 2 of the Wireless Telegraphy (Isle of Man) Order 2007 (S.I. 2007/278).

<sup>(9)</sup> S.I. 2021/493.

(4) At Regulation 6 for the words ““IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems”, published by OFCOM in January 2018, is exempt” substitute ““IR 2066 – UK Interface Requirement 2066, High Density Fixed Satellite Service Systems (HDFSS)”, published by OFCOM in June 2021, are exempt”.

(5) At Regulation 7 for the words ““IR 2084 – UK Interface Requirement 2084 Cospas-Sarsat locator beacons for use on land (December 2011)”, published by OFCOM in December 2011” substitute ““IR 2084 – UK Interface Requirement 2084 Cospas-Sarsat locator beacons for use on land”, published by OFCOM in June 2021”.

(6) At Regulation 8 for the words ““IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile Platforms (ESOMPs)”, published by OFCOM in February 2014” substitute ““IR 2093 – UK Interface Requirement 2093 Earth Stations on Mobile Platforms”, published by OFCOM in June 2021”.

(7) At Regulation 9 for the words “which forms part of the publication “IR 2027.2 – UK Radio Interface Requirement 2027.2 for AM/SSB and DSB use in the Citizens’ Band Radio Service”, published by OFCOM in June 2014” substitute “which form part of the publication “IR 2027.2 – UK Radio Interface Requirement 2027.2 for AM/SSB and DSB use in the Citizens’ Band Radio Service”, published by OFCOM in June 2021”.

*Philip Marnick*  
Group Director, Spectrum Group  
Office of Communications

XXXX 2021

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Wireless Telegraphy (Exemption) Regulations 2021 (the “Principal Regulations”).

Regulations 4 to 9 of the Principal Regulations exempt the establishment, installation and use of certain radio equipment which comply with certain terms, provisions and limitations, from the requirement to be licensed under section 8(1) of the Wireless Telegraphy Act. These Regulations amend wording to correct drafting errors in the Principal Regulations and correct the description and publication date of the Interface Requirement documents.

Technical requirements are set out in Interface Requirement documents. The Interface Requirements are published by OFCOM and available to the public from OFCOM’s website at <https://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London, SE1 9HA.

These Regulations do not have any effect on the cost of business additional to the effect of the Principal Regulations and a full regulatory impact assessment of the effect the Principal Regulations will have on the cost to business has been prepared and is available to the public from the OFCOM’s website <https://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2a Southwark Bridge Road, London, SE1 9HA. Copies of the impact assessment have also been placed in the libraries of the Houses of Parliament.